

Jean-Pierre CHANGEUX et al.
Serial No. 09/349,925

Attorney Docket No. 3495.0135-02

REMARKS

Applicants respectfully request reconsideration of this application in view of the following remarks. Upon entry of this amendment, claims 53, 54, and 63 will be pending in this application.

Claims 40-47, 51-52, and 55-62 have been canceled without prejudice or disclaimer. Claim 53 has been rewritten in independent form, including all of the recitations of the base claim, i.e., claim 46. Claim 54 depends from claim 53. Claim 63 has been added. This claim depends from claim 53 and recites that the heterologous protein is encoded by a reporter gene. This Amendment does not introduce any new matter into the specification.

Applicants also submit that this Amendment does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

In Paper No. 27, the Examiner objected to claims 53 and 54 as depending upon a rejected base claim but stated that the claims would be allowable if rewritten in independent form. That is what applicants have done in this Amendment. Applicants have also added claim 63 to provide a dependent claim directed to an embodiment of claim 53, where the heterologous polypeptide is encoded by a reporter gene.

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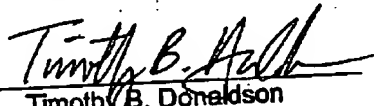
Accordingly, applicants respectfully request that this Amendment be entered by the Examiner, placing claims 53, 54, and 63 in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Date: December 16, 2003

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